

Report Date: December 7, 2018

United States District Court

for the

Eastern District of Washington

FILED IN THE U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 10 2018

Petition for Warrant or Summons for Offender Under Supervision

SEAN F. MCAVOY, CLERK
YAKIMA, WASHINGTON, DEPUTY

Name of Offender: Rocky J Fogler

Case Number: 0980 1:14CR02083-LRS-1

Address of Offender: [REDACTED] Yakima, Washington 98902

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: June 9, 2015

Original Offense: Felon in Possession of a Firearm and Ammunition, 18 U.S.C. § 922(g)(1) and 924(a)(2)

Original Sentence: Prison - 46 months; Type of Supervision: Supervised Release
TSR - 36 months

Asst. U.S. Attorney: Thomas J. Hanlon

Date Supervision Commenced: February 9, 2018

Defense Attorney: Paul Shelton

Date Supervision Expires: February 8, 2021

PETITIONING THE COURT

To incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court on 08/01/2018; 09/26/2018; and 11/21/2018.

The probation officer believes that the offender has violated the following condition of supervision:

Violation Number Nature of Noncompliance

8 **Mandatory Condition # 3:** The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

Supporting Evidence: Mr. Fogler is considered to be in violation of his conditions of supervision by possessing controlled substances, methamphetamine and heroin, on November 29, 2018, Yakima County Superior Court case number 18-1-02267-9.

On February 9, 2018, this officer met with Mr. Fogler upon his release from Bureau of Prisons custody. Mr. Fogler reviewed, via his sister's American Sign Language interpreting, and signed the judgment and sentence, which outlined the conditions of his term of supervised release.

On November 29, 2018, per Yakima Police Department incident report number 18Y048742, Mr. Fogler was contacted by officers after reports of a subject seen driving a vehicle in the area of 610 North 6th Street, in the city of Yakima. This subject exited the vehicle and began knocking on doors and acting very suspicious. The subject was located in the area and was

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identified as Rocky Fogler. He was arrested on a federal warrant. A search was conducted incident to arrest. During this search, officers located a small white baggy in Mr. Fogler's coat pocket. Mr. Fogler was asked if the white powdery substance in the baggy was methamphetamine and he shook his head up and down. Moments later, a small plastic baggy with a brown sticky substance inside of it believed to be heroin was found on Mr. Fogler. He also was in possession of stolen property in the form of various check books and credit cards issued to other individuals.

When officers looked into Mr. Fogler's vehicle, they saw a gun laying in the front passenger seat in plain view. An officer saw a black and silver rifle. The bolt on the rifle was back and the chamber open. The rifle appeared to be a muzzle loader. A search warrant for the vehicle was requested in order to ascertain if the suspected muzzle loader is a firearm.

The U.S. Probation Office respectfully recommends the Court incorporate the violation contained in this petition in future proceedings with the violations previously reported to the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: December 7, 2018

s/Arturo Santana

Arturo Santana
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other


Signature of Judicial Officer

12/10/18
Date